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NEW YORK NY 10176

In re Application of
WALTHER et al.
Serial No.: 10/589,213
PCT No.: PCT/EP05/01051
Int. Filing Date: 03 February 2005
Priority Date: 13 February 2004
Attorney's Docket No.: 4100-410PUS
For: APPLICATION OF RFID LABELS

DECISION ON
PETITION
UNDER 37 CFR 1.497(d)

This is a decision on applicant's "Request to Correct Inventorship under 37 CFR 1.497(d)", filed on 05 July 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 14 August 2006, within the thirty month period, applicant filed a Transmittal Letter requesting U.S. national stage entry for PCT/EP05/01051.

On 05 December 2006, applicant, *sua sponte*, filed one four page declaration, naming four inventors. The declaration was executed by the sole inventor Thomas Walther and also signed by REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING, who were not named as inventors in the published international application.

On 11 April 2007, a decision was mailed advising applicant that either an acceptable declaration, in compliance with 37 CFR 1.497(a) and (b), and executed by sole inventor named in the published international application was required or in the alternative, applicant should produce a Form PCT/IB/306 indicating the recording of a change in inventorship issued by the International Bureau or file a petition under 37 CFR 1.497(d).

DISCUSSION

As previously stated, a review of the published international application PCT/EP05/01051 reveals that Thomas Walther is the sole named inventor. Applicant did not provide an Notification of the Recording of A Change (Form PCT/IB/306) issued by the International Bureau adding REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as co-inventors under PCT Rule 92bis.

Applicant requests a change in inventorship pursuant to 37 CFR 1.497(d). Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee

set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

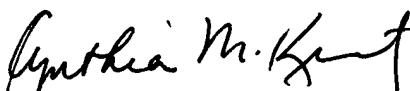
With the submission of the petition under 37 CFR 1.497(d), applicant has satisfied Items (1) - (3) above. Accordingly, applicant has now met all of the requirements of 37 CFR 1.497(d) to add REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING as inventors in the above-identified international application.

The declaration filed on 05 December 2006 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship, residency and mailing address.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventors REINHARD BAUMANN, ROBERT WEISS AND PEER DILLING is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **05 December 2006**.



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